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**JUN 28 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Stephan R. Targan et al :  
Application No. 09/575,061 : DECISION GRANTING PETITION  
Filed: May 19, 2000 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. P-PM 4097 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 8, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE); (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of April 19, 2004 is accepted as having been unintentionally delayed.


It is not apparent whether petitioner herein was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, since petitioner was not an attorney of record at the time the application became abandoned. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$60 extension of time fee submitted with the

petition on February 8, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

The application file is being forwarded to Technology Center AU 1641 for processing the RCE and for such further action as the nature of the case requires.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions